



**MEETING MINUTES**  
**Regular Meeting of the Edina Planning Commission**  
**Wednesday, July 28, 2010, 7:00 PM**  
**Edina City Hall Council Chambers**  
**4801 50<sup>th</sup> Street West**

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**MEMBERS PRESENT:**

**Chair Mike Fischer, Jeff Carpenter, Michael Schroeder, Nancy Scherer, Steve Brown, Floyd Grabel, Arlene Forrest and Karwehn Kata**

**MEMBERS ABSENT**

**Julie Risser and Kevin Staunton**

**STAFF PRESENT:**

**Cary Teague and Jackie Hoogenakker**

**I. APPROVAL OF THE MINUTES:**

The minutes of the June 30, 2010, Planning Commission meeting were filed with a correction.

**II. NEW BUSINESS:**

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<b>2010.0005</b>	<b>Amendment to the Final Development Plan to allow a glass partition and fireplace Cypress Equities 7311 France Avenue, Edina, MN</b>
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**Planner Presentation**

Planner Teague reported to the Commission that at this time Pinstripes has indicated they will not proceed with a wood-burning fireplace on the second floor. Teague explained that Pinstripes will evaluate gas burning fireplaces as an alternative sometime in the future; reiterating that at this time the wood-burning fireplace and chimney have been removed from the elevations and are not part of the discussion this evening. Planner Teague delivered a power point presentation highlighting the elevations of the building.

**Appearing for the Applicant**

Dale Schwartz, Pinstripes

## **Discussion**

Commissioner Scherer asked Planner Teague if the sound studies included noise that would be generated from inside the building. Teague responded that he believed so. He noted past photo's indicated that the sound speakers generating noise were located at the building wall. Decibel levels were also taken at different levels.

Chair Fischer said the focus this evening (because of Pinstripes withdrawing the wood burning fireplace) is now only on the sliding glass doors.

Chair Fischer acknowledged that the majority of the correspondence received by the Commission pertained to amplification and the fireplace. Fischer said in his opinion its best if the Commission doesn't comment on minor design changes and leaves that review in the hands of staff, adding if the applicant returns with a gas fireplace he would trust staff to review and approve or deny the fireplace and not have the Commission also review it. Fischer said of course the Commission would want to weigh in on changes to building height, etc. but not design detail changes that meet ordinance requirements.

Commissioner Schroeder agreed and questioned if the Commission even has the authority to deny the applicants request for sliding glass doors when the doors meet ordinance and building code standards.

Planner Teague explained to the Commission that the City Council has established a policy that when a project receives final approval by City Council that approval is subject to the plans presented, adding if any changes are made to the plans or building elevations, regardless of how minor, those changes are brought back before the Council for further review. The Council makes a determination on if they believe the changes rise to the level of additional review and public hearing by the Planning Commission. Teague reported in this instance the Council decided to refer the changes in the buildings elevation back to the Commission for comment. Teague acknowledged this is the first time since the policy was established that the Commission has been asked to review changes to a building's façade.

## **Applicant Presentation**

Mr. Schwartz addressed the Commission and explained that at this time Pinstripes has made the decision to eliminate the wood-burning fireplace, pointing out that due to the elimination of the fireplace no chimney is required; the purpose of the chimney (depicted on the plan) was to funnel smoke. No smoke, no chimney. Continuing, Schwartz said that he wasn't ruling out adding a gas fireplace sometime in the future, adding if he finds something very distinctive one may be added. Concluding Schwartz said if a gas fireplace was added in would be low like the gas burning unit at Tavern on France.

### **Public Comment**

Sylvia Jesse, 6612 Logan Ave, Richfield, thanked the applicant for eliminating the fireplace, adding because of her disabilities the wood-burning fireplace (if constructed) would have been harmful to her health.

**Commissioner Brown moved to close the public hearing. Commissioner Carpenter seconded the motion. All voted aye; motion carried.**

### **Discussion**

Commissioner Forrest acknowledged that Commissioners received comments from residents on the noise, fireplace and glass panel issue.

### **Motion**

**Commissioner Schroeder moved to recommend approval of the revision to the building elevation to include sliding glass doors/panels noting the changes to the building elevation meet all zoning ordinance requirements and meet the acceptable building materials requirement established in the Uniform Building Code. Commissioner Grabel seconded the motion. All voted aye; motion carried.**

Chair Fischer thanked the applicant for listening to the neighbors about their concern with the wood-burning fireplace.

### **III. OLD BUSINESS:**

#### **Zoning Ordinance Update Committee Discussion**

#### **Recap:**

Chair Fischer stated he would like to do a quick overview on where the zoning ordinance update committee is in the process. Chair Fischer asked Commissioners to refer to the topic tracker noting that the City Council at their July 6, 2010, meeting amended the zoning ordinance by adding a Height Overlay District, adding that this part of the re-write has been completed.

Chair Fischer noted that discussion on sketch plan review continues; nothing has been finalized on that topic.

Chair Fischer referred to the role of the Planning Commission vs. the role of the Edina Transportation Commission (ETC) in the development review process and asked Commissioner Schroeder if he had anything to offer as Transportation liaison. Schroeder reported that at the last meeting of the ETC a recommendation was made that two members of the Planning Commission and two members of the ETC meet to

work through the issues and focus on how to maintain clarity for the public during the process of reviewing traffic implementations relative to development projects. Schroeder said this recommendation could be forwarded from the Transportation Commission to the Planning Commission within the next month. Schroeder commented that he hasn't reviewed the minutes from that meeting, adding he's not sure of the exact wording of the recommendation. Chair Fischer said the Commission will wait for official notification from the ETC.

Chair Fischer briefly commented on the role of the Zoning Board of Appeals in the re-write process; especially in light of the recent Minnesota Supreme Court decision on variances. Fischer said the Supreme Court recently handed down a decision that overturned the way variances have been dealt with over the last 20 years. City attorney Roger Knutson advised staff that as of now variances won't be happening. Fisher said this decision will have a huge impact on the City, adding the Commission will find out more about this topic at a future Council work session.

Chair Fischer noted the Energy and Environment Commission and the Heritage Preservation have been addressed and are in the queue waiting to go.

Chair Fischer noted public hearings are ready to go.

Chair Fischer explained with regard to "Small Area Plans" that the Commission was still in the midst of developing and finalizing a process.

Chair Fischer referred to the continuing development of a Planned Unit Development (PUD) ordinance, adding the draft ordinance was almost complete; however, further discussion was needed.

Chair Fischer noted that Sustainable Design was still in the discussion phases.

Chair Fischer noted that "driveway width" has been addressed and was near completion.

Chair Fischer asked Planner Teague if he had any discussions with the Energy and Environment Commission (EEC) on where they are in the process of reviewing a wetland and tree preservation ordinance. Teague responded that he spoke with Heather Worthington, staff liaison to the EEC, and was told discussions on both topics continue.

Commissioner Grabiell noted that sometime in the near future a discussion on the framework/structure and navigation of the ordinance needs to occur. Chair Fischer agreed.

IV. **COMMUNITY COMMENT:**

None.

V. **INTROGOVERNMENTAL BUSINESS**

Commissioner Carpenter moved adjournment at 7:40 p.m. Commissioner Forrest seconded the motion. All voted aye; motion carried.

Respectfully submitted:

***Jackie Hoogenakker***